

**REMARKS / ARGUMENTS**

The Office Action has been carefully reviewed and the following remarks are made in response thereto.

The specification and claim 1 have been amended. Applicant submits that no new matter has been introduced in the amendments to the specification and claims. In view of these amendments and following remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

**I. Summary of the Office Action**

1. Claims 1 and 2 are pending.
2. Claims 1 and 2 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is not enabling.
3. No claims were allowed.

**II. Response to the Office Action**

**1. Claim Rejections under 35 U.S.C. § 112**

Claims 1 and 2 are rejected under 35 U.S.C. § 112, first paragraph, as purportedly non-enabled. The first paragraph of 35 U.S.C. § 112 simply requires that the specification contain the manner and process of making and using the invention so as to enable a person skilled in the art to which it pertains, to make and use the invention.

The present specification describes making and using a flat panel color cathode ray tube (CRT) formed using tinted glass, having particular transmissivity characteristics and a wavelength selective absorption film. The luminance of this CRT ( $L^*$ ) is determined using the claimed relationship, with reference to the  $L^* a^* b^*$  colorimetric system of CIE 1976, where  $a^*$  and  $b^*$  are psychometric chroma coordinates (chromacities). This was previously described in paragraphs [0011] – [0014] and [0027] of the specification and has been made more clear and understandable by the addition of text explaining the  $L^* a^* b^*$  colorimetric system of CIE 1976 in the example described in paragraph [0032] of the specification, as shown above. Therefore, one of skill in the art is enabled to make and use the invention of rejected claim 1, and nothing

more is required. The remaining rejected claim 2 depends from the amended claim 1. In view of the foregoing, this rejection is traversed and Applicant respectfully requests withdrawal of the this rejection.

### CONCLUSION

It is respectfully submitted that this application is now in condition for allowance. Should the Examiner have any questions, comments or suggestions in furtherance on the prosecution of this application, he is invited to contact the Applicant's representative by telephone at the number indicated below. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 13-3250, reference No. 37488.00300:

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 13-3250. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MILBANK, TWEED, HADLEY & McCLOY LLP**

Dated: April 3, 2006

By: \_\_\_\_\_

James R. Hughes  
Reg. No. 45,657

**Customer No. 38647**  
**MILBANK, TWEED, HADLEY & McCLOY LLP**  
1850 K Street, NW Suite 1100  
Washington, DC 20006  
202-835-7500